



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

INSTRUCTIONS FOR PROVIDING NOTICE TO AFFECTED ADJACENT PROPERTY OWNERS FOR AN INTERPRETATION FOR ADMINISTRATIVE APPROVAL OF A MINOR BUILDING ADDITION

October 2012

Pursuant to the Fairfax County Zoning Ordinance, the Zoning Administrator may grant administrative approval of minor additions to buildings which are subject to a proffered rezoning, a special exception, special permit and/or a variance. To be approved a minor building addition must be: 1) found to be in substantial conformance with the approved zoning; 2) conform with the applicable zoning district regulations; and, 3) meet the following size limitations:

For uses other than churches, chapels, temples, synagogues and other such places of worship, and places of worship with a child care center, nursery school, or private school of general or special education, the minor addition shall not exceed:

- Five (5) percent of the approved gross floor area or 500 square feet gross floor area, whichever is less, when the approved development is less than 50,000 square feet; or
- One (1) percent of the approved gross floor area when the total gross floor area of the approved development is 50,000 square feet or more.

For places of worship and places of worship with a child care center, nursery school or private school of general or special education, the minor addition shall not exceed:

- 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area.

Consideration of a minor building addition request can be obtained by submitting a letter requesting an interpretation of the approved zoning to Barbara C. Berlin, Director, Zoning Evaluation Division at the above address. The Zoning Ordinance also requires that the requester provide notice to affected adjacent property owners, including those across any street, that the request for a minor building addition has been submitted to the County in accordance with the following:

- the notice to the affected adjacent property owners must include all materials submitted to the County for review, including any exhibits such as plans, photographs, diagrams, reports, etc.;
- the notice must include a point of contact for additional information; and,
- the notice must be hand delivered or sent by certified mail, return receipt requested.

An affidavit attesting to the fact that notice was sent or delivered must be submitted with the letter requesting the interpretation. This affidavit must specify the date notice was sent or delivered, the names and addresses of all property owners notified; and the Tax Map reference for the property affected by the request for a minor addition. Unless and until the required affidavit is received, a response to the request for administrative approval of a minor building addition cannot be provided.

Do not send the receipts for certified mail to the County, only the affidavit is required to be sent to the County; the requestor should retain any and all receipts for certified mail for their own records.

An affidavit form and a sample cover letter are attached for your use. If you have any questions regarding the administrative approval of a minor building addition, please contact the Special Projects/Applications Management Branch of the Zoning Evaluation Division, Department of Planning and Zoning at (703) 324-1290.

THIS IS A SAMPLE LETTER TO BE USED AS AN EXAMPLE ONLY
IT SHOULD BE SENT OUT ON THE STATIONERY OF THE REQUESTER

(Date)

To:

Dear Property Owner:

You are listed in the current real estate assessment books for Fairfax County, Virginia as the owner of a parcel of land which abuts or is immediately across the street from land for which a request for the administrative approval of a minor building addition has been filed. In accordance with the provisions of the Fairfax County Zoning Ordinance you are hereby notified that the attached request has been filed with the County. If you have comments or questions regarding the attached request, you may contact me at:

_____ (include telephone number)

If you have questions or comments which you wish to address to the staff processing the request, please feel free to contact Special Projects/Applications Management Branch of the Zoning Evaluation Division of the Department of Planning and Zoning at (703) 324-1290.

Sincerely,

Signature

Attachments: A/S

AFFIDAVIT VERIFYING NOTICE REGARDING
A REQUEST FOR ADMINISTRATIVE APPROVAL
OF A MINOR BUILDING ADDITION

Date: _____

Zoning Case Number _____

Tax Map Number _____

I, _____, as the requester for administrative approval of a minor building addition, do hereby certify under oath that, pursuant to the provisions of Sections 8-004, 9-004, 18-204 and/or 16-403 of the Fairfax County Zoning Ordinance, the owners of the Tax Map Parcels listed below have been provided notice that the attached request for the administrative approval of a minor building addition has been submitted to the Zoning Administrator and that said notice was delivered by hand or by certified mail, return receipt requested, along with the attached cover letter.

TAX MAP
PARCEL
NUMBER

NAME

MAILING ADDRESS FROM
REAL ESTATE FILES

DATE
NOTIFIED

WITNESS the following signature:

(type or print first name, middle initial, last name and title)

Subscribed and sworn to before me this _____ day of _____, 19____, in the
state of _____.

(Notary Public)

My commission expires: _____

The determination of whether a proposed modification is in substantial conformance with an approved zoning is made through the interpretation process. In order to submit a request for an interpretation related to an approved rezoning, special exception, special permit or variance, please submit a letter to Barbara C. Berlin, Director of the Zoning Evaluation Division, who serves as the duly authorized agent of the Zoning Administrator for this process, at the Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. The letter should include the following information.

- Clear identification of your name and how you may be contacted (address, phone number, etc.).
- A reference to the specific property and zoning application which is the subject of the interpretation. Identify the property by tax map number and complete zoning application number, if known.
- Provide a complete description of the interpretation question, with an explanation of the basis for the question or the proposed change and how it meets the minor modification provisions of the Zoning Ordinance.
- If the interpretation relates to a specific proffer or development condition, identify the proffer or development condition and provide a copy.
- If the interpretation proposes a physical change to an approved plat or development plan, provide a graphic illustrating the proposed changes ideally at the same scale as the approved plan. **At least three copies** of the plat or development plan should be provided. Each document should be highlighted in red, clearly circling or otherwise identifying any proposed changes.
- If the proposed modification would change tabulations from those on an approved plan, such as open space, tree cover, floor area, a comparison of the proposed versus existing tabulations should be provided.
- For building additions or new accessory structures, an architectural elevation and/or a description of proposed building materials may be helpful.
- For administrative approval of a minor building addition notification to affected adjacent property owners is required. An affidavit attesting to the fact that notice was sent or delivered must be submitted with the letter requesting the interpretation. Provide a link to the instructions.

By reviewing these guidelines and submitting materials that fully support and document your request, time will be saved in obtaining the answer to an interpretation question. When requests for interpretation lack one or more of the applicable elements listed above, unnecessary time is spent between staff and a requester to obtain additional information. The average turnaround time for interpretation requests is 30 days.

It should be recognized that these are general guidelines and you may be asked for additional information by staff assigned to review a particular request.

Effective July 1, 2011, **a fee of \$520 is required** for the processing of interpretation requests. A check for the fee amount must be included with your request made payable to the County of Fairfax.

If you have any questions, please contact the Public Information Planner in the Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1290, TTY 711.